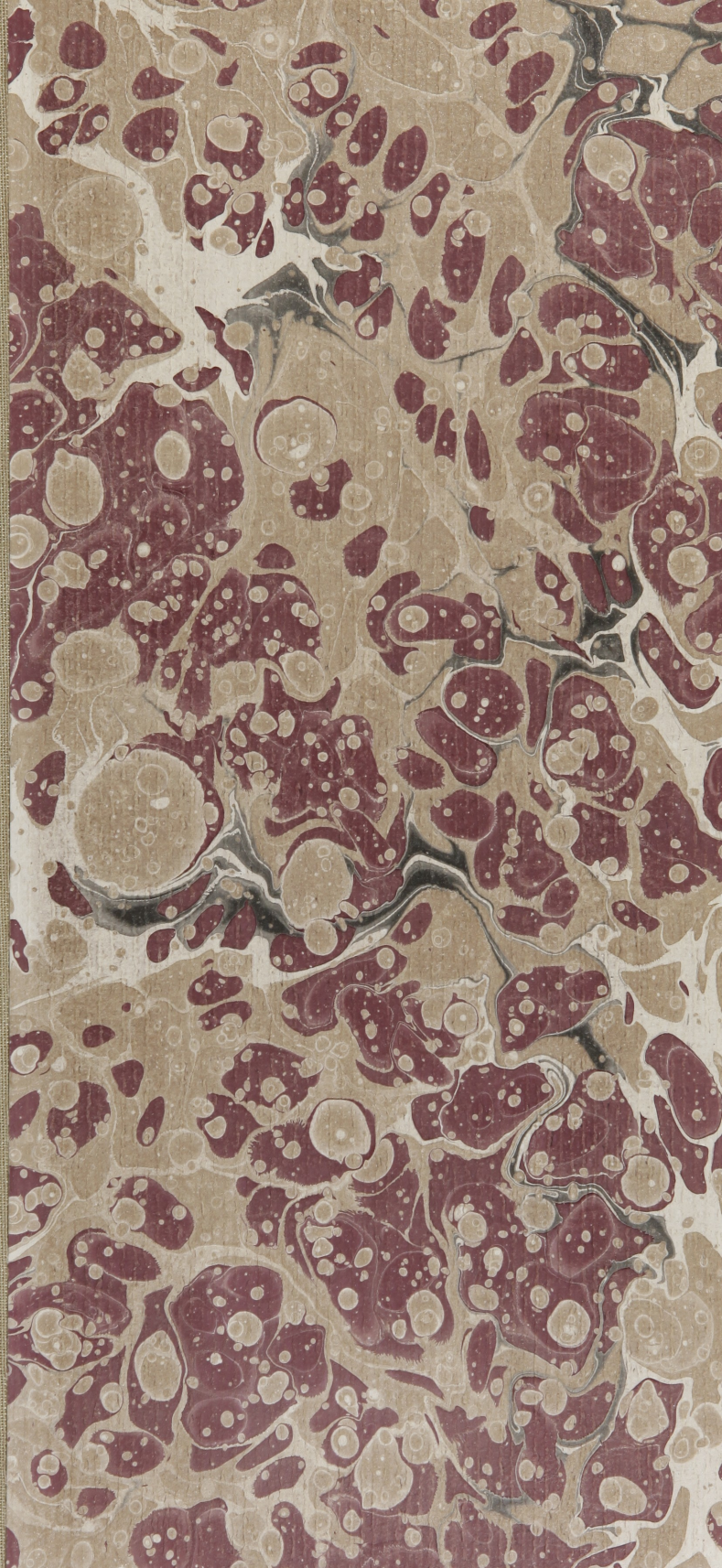


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RULES AND REGULATIONS

ADOPTED BY THE MANAGERS

OF THE

NEW YORK STATE LUNATIC ASYLUM,

AT UTICA.

ALSO,

THE ACT FOR THE ORGANIZATION OF SAID ASYLUM, AND MORE EFFECTUALLY
TO PROVIDE FOR THE CARE, MAINTAINANCE, AND RECOVERY OF THE
INSANE:

Passed April 7, 1842.

TOGETHER WITH TITLE 3, CHAP. 20, OF THE FIRST PART OF THE REVISED
STATUTES, RELATING TO THE SAFE KEEPING AND CARE OF
LUNATICS.

"The whole system of moral treatment of the Insane may be summed up in two words, *Kindness*
and *Employment*."

Utica, N. Y.

R. W. ROBERTS, PRINTER, 58 GENESEE STREET.

1842.

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MANAGERS.

HON. T. H. HUBBARD, UTICA, *President.*

NICHOLAS DEVEREUX, ESQ., UTICA.

C. B. COVENTRY, M. D., UTICA.

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A. V. WILLIAMS, M. D., NEW YORK.

RESIDENT OFFICERS.

A. BRIGHAM, M. D., *Superintendent and Physician.*

H. A. BUTTOLPH, M. D., *Assistant Physician.*

CYRUS CHATFIELD, *Steward.*

MRS. CHATFIELD, *Matron.*

EDMUND A. WETMORE, *Treasurer and Secretary
to the Board of Managers.*

94-18394

RULES AND REGULATIONS

OF THE

NEW YORK STATE LUNATIC ASYLUM.

I. INTRODUCTORY REMARKS.

This Asylum has been erected, at great expense, by the State, that the insane may have a safe retreat, in the care of those who have learned the true mode of managing them; in whose hands they may be rescued from the cruelties and coercions which they generally meet with in the world; and where, under the benign restraints which kindness and benevolence impose, they may have every chance of recovery.

The very first impulses of insanity are met at home and amongst friends, by resistance and opposition, from those who before yielded willing obedience to requirements, or who have acquiesced with cheerfulness in every reasonable indulgence. The apparent difference in the conduct and feelings of their friends, excites collision, arouses the passions, and awakens the prejudices of the victim of delusion. They now feel that the friends whom they loved and enjoyed have turned against them; that they purposely thwart all their plans, oppose all their desires, and resist what they conceive to be their own best efforts to promote the happiness of both. The insane resist all these with violence, and indulge in wrath and bitterness against them.

For these reasons it becomes desirable that they should be removed to the care of strangers, whose efforts to make them comfortable, they often appreciate correctly and acknowledge gratefully. From strangers they will also submit to restraints without a murmur, which would excite the greatest hostility to friends.

In this institution the duty now devolves upon us. In the various departments of business, and of care, we all have daily much to do with the inmates of the Asylum. Some of us devote our whole time to this duty. It becomes us all seriously to consider *how* this duty shall be performed; what discipline of feeling and what subjugation of temper

there shall be with us, that we may ever administer the "LAW OF KINDNESS" to its full extent, and in its proper spirit.

When we accept a place in this Asylum, we assume a responsibility which it should be our constant desire to fulfil to our own satisfaction and that of our employers; it should be performed *conscientiously*, so as to be approbated by our MAKER, who will be strict to mark injustice or oppression to unfortunate and suffering fellow men.

No individual is worthy of a place in such an institution who labors for wages only. *DUTY, a desire to improve the condition of all within the sphere of our influence, to increase the happiness and lessen the sufferings of each and all the inmates, should be the governing motive of our daily conduct.* We must never forget that we are dealing with fellow creatures who, being deprived of reason, are not responsible for their conduct. The regulating power of moral action is withheld from them; hence they are capricious, passionate, and often violent. They often also misjudge, and are led astray by perverted sense or by delusions of the understanding, which carry them far away from the proprieties of rational conduct. How exceedingly wicked and improper, therefore, to harbor a spirit of revenge, or to retaliate for injuries done us by such individuals!

It is because they are unable to control themselves, and because they will not readily acquiesce in the directions of their friends, that many of these individuals are placed in the Asylum. From us they are to have every comfort and every indulgence, which individually or collectively, will promote their best good. To us they look for sympathy and counsel, for assistance in their various troubles and perplexities. We should enter deeply into their feelings, and show our willingness to spend our time and strength to promote their happiness, and recovery to health.

If we withhold what they may reasonably require, we do *them* injustice, and violate *our duty*. If we treat them with neglect, or with unkind and hasty language; if in any way we tantalize them, or recriminate when they assail us with violent or abusive words, we may do them irreparable injury, for which we all ought to *feel*, and certainly shall *be held* responsible.

PERSUASION with a proper spirit, will generally be followed by a quiet acquiescence in all reasonable requirements. *Much depends upon the MANNER of our intercourse with the insane.* We should never be cold and insensible to their wants, never hasty and impatient in our intercourse, never turn a deaf ear to their representations, never treat them with neglect, nor with feelings of superiority, but mingle with them in kindness, address them with respect and affection, and we shall secure their confidence, and gain their affections, both of which are necessary to their management.

II. BOARD OF MANAGERS.

1. The managers shall choose one of their number president, who shall continue in office until the annual meeting next after he is chosen.

2. An auditing committee of three members shall be appointed, who shall hold their places until the annual meeting next following their appointment.

3. The treasurer shall hold his office during the pleasure of the board, and shall be *ex officio*, secretary.

4. The annual meeting shall be held on the second Tuesday of December in each year. Quarterly meetings shall be held on the Tuesdays next after the second Monday in each of the months of April, July and October.

5. The Asylum shall be visited by the whole board at the annual meetings, and by a majority at the quarterly meetings.

6. Special meetings may be called by the president, or by any two members, and it shall be the duty of the secretary to cause notices of such meetings to be delivered to the members residing in Utica, or at their places of residence or business, and to send notices by mail to members residing elsewhere, such time previous to the meetings as the president or two members calling the meetings shall at the time direct.

7. The members of the board residing in Utica, or within five miles, shall in rotation, to be designated by the secretary, visit the Asylum weekly; and two members to be designated in like manner shall visit it monthly.

8. It shall be the duty of the secretary to attend the meetings of the board of managers, keep an accurate record of their proceedings, and perform such other duties as may from time to time be assigned to him by the board.

III. DUTY OF RESIDENT OFFICERS.

No officer shall be directly or indirectly interested in any contract for the supply of any article for the use of the Asylum; nor shall he receive any present or gratuity from any person dealing with the Asylum, or from any patient or visitor, or from the friends of a patient.

THE SUPERINTENDENT.

1. The superintendent is the head of the establishment. He has the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock. To him are committed the charge of the patients, and the direction and control of all persons therein, subject to the regulations of the board of managers. It shall

be his duty to determine, under the direction of the said board, what attendants and assistants are necessary to be employed, and to prescribe their respective places and duties; also to establish and enforce in every department systematic order and salutary discipline.

2. He shall visit all the patients *daily*, or as often as may be necessary, and shall direct such medical, moral and physical treatment as may be best adapted to their relief.

3. He shall cause to be kept in a suitable book, a record of the name, sex, age, place of nativity and residence, civil state and profession of each patient; also, as far as can be ascertained, the dates and history of each patient's disease, the time when received, and when removed, and how, whether cured or relieved; whether eloped or dead; and if dead, the cause; together with all such other facts and circumstances in each case, as are useful or usual in the statistical records of such an institution. Also, a record, in chronological order of all applications for admission into the Asylum; with the principal facts of each case. Also, in another suitable book, records of the medical treatment of the patients. Also, a record of the names and residence of all persons employed in the institution, with the times and terms of their respective engagements; also, the stipulated wages, and the nature of the services expected from each, and the times and causes of their dismissal.

4. At each monthly visit of the managers, he shall exhibit all the records of the institution, and inform them minutely of its affairs. Every quarter he shall give a brief written statement of its general condition; the names of persons removed and received during the three months last past, with such suggestions and remarks as he may deem useful. At each annual meeting of the board, he shall present a *tabular view* of the institution for the year, with full and minute details from the records, and accompanying it with a condensed *report* of other interesting and useful facts and circumstances, experiments and opinions, illustrating its management, condition and prospects.

5. He shall, from time to time, give to all persons employed at the Asylum, or on the farm, such instructions as he shall judge best adapted to carry into full operation all its rules and regulations. He shall cause such rules and regulations, to be strictly and faithfully executed; taking care that the steward and matron, and all others employed about the premises perform particularly and punctually, all their respective duties.

6. All moneys advanced for pay-patients, or otherwise collected or received by the superintendent, or by persons employed by him, shall be immediately paid over to the treasurer of the Asylum.

THE STEWARD.

1. The steward shall execute a bond with two sufficient sureties to be approved by the treasurer, in the penalty of one thousand dollars, conditioned that he will faithfully discharge the duties of the office of steward, and pay over and account for all money that shall come to his hands belonging to the New York State Lunatic Asylum. Said bond shall be executed to the treasurer of the Asylum and be filed in his office.

2. In all cases of purchases by the steward, he shall require duplicate bills, on one of which he shall endorse an order upon the treasurer to pay the amount of the bill, and on the other take a receipt for the order given by him on the treasurer.

3. No order of the steward shall be paid by the treasurer unless it is accompanied with the bill of items for the payment of which the order was given, nor unless the bill or order is countersigned or endorsed "approved," by the superintendent.

4. The steward shall keep one of the duplicate accounts with a copy of the order on the treasurer, in every such case of purchase by him, and make the proper entries under the appropriate head of expenditure in his books.

5. The treasurer may from time to time, advance to the steward on his own order, specifying that it is to pay petty current expenses, a sum not exceeding two hundred dollars. The steward shall keep an accurate account in detail, in a pass or other proper book, of all such expenses paid out of the sums so advanced to him by the treasurer, and shall settle the same with him monthly or oftener, if required. Such account shall be examined and approved by the superintendent before it is settled by the treasurer, and a copy thereof with vouchers for all sums exceeding one dollar shall be filed with the treasurer. The steward shall account for each sum of two hundred dollars which he shall thus receive, before a further advance shall be made to him as aforesaid.

6. The treasurer on paying any bill or order of the steward shall take a voucher for such payment and file the same in his office, and shall enter in his books under the proper heads of expenditure the sums paid by him out of the treasury.

7. The steward, under the superintendent's direction, shall purchase furniture, food, medicine, fuel, stoves and other necessary articles; and he shall be accountable for their safe keeping, and for their economical use and expenditure.

8. He shall keep clear, methodical and exact accounts of all purchases, of all receipts and expenditures of money, and of all charges on account of any patients. He shall exhibit all his account books, and recent vouchers, to the managers, at their first visit in each month; and

he shall furnish a quarterly abstract of the same, both to the treasurer and managers, on the last days of March, June, September and December, in each year. Copies of all accounts which become due to the institution, shall be furnished, to the treasurer, monthly ; and oftener at his request.

9. In the name of the superintendent, and by his directions in each case, and not otherwise, the steward shall hire attendants and assistants, and agree with them for their wages ; and by like direction he shall dismiss them when unfaithful, negligent or incompetent ; he shall keep and settle their accounts ; and he shall perform such other duties in relation to the internal management and government of the Asylum as the superintendent shall require. He shall see that the attendants and assistants rise and begin business immediately after the ringing of the morning bell ; and that they retire at proper season at night. Throughout the day, he shall constantly observe their conduct, see that in all respects they do their duty, and report to the superintendent any instance of misconduct or negligence.

10. He shall receive visitors, give them all suitable information, and show them such parts of the buildings and grounds as are open for their examination.

11. He shall remain, as much as possible, in the wing appropriated to the male patients, so as to be much in their presence, to see that they are kindly treated, that their clothes are marked and taken care of, that their food is properly served and distributed, and that they take the same in a proper manner ; that the rooms, galleries, yards and other apartments under his care, are kept clean and in good order, and properly warmed and ventilated ; and that the male attendants observe his orders and directions, and in all respects do their duty.

12. In all his directions to subordinate agents, in executing the details of the superintendent's plans, and in enforcing his rules, the steward shall be considered as carrying the authority of the superintendent. It is his duty to preserve order in the house, and faithfulness amongst assistants ; and to see that the regulations here adopted shall be fully put in practice.

THE MATRON.

1. It shall be the duty of the matron to look carefully to the female patients, and spend as much time with them as her other duties will allow : she shall see that they are kindly treated ; that their nurses and attendants are well instructed and faithful ; that their food is properly served and distributed ; that their apartments are clean, warm, and ventilated ; and that their clothes and bedding are always clean, well aired and in good order, and their apparel marked and preserved.

2. She shall also superintend the kitchen and laundry, and see that the cooking, washing and ironing are properly done; frequently inspect every department, and have an eye to the neat appearance of the whole house. It is expected that she will devote her whole time to the institution, and spare no effort to promote the comfort and recovery of its inmates.

THE ASSISTANT PHYSICIAN.

1. He shall be *ex officio* the apothecary of the institution. He shall prepare and put up all medicine, see that all prescriptions are properly administered, and ascertain, as far as may be, the effects of the same. He shall superintend the cold, warm and shower baths; the warmth, cleanliness, and ventilation of the halls, and the exercise and amusements of the patients.

2. He shall accompany the superintendent on his regular morning visits, and see all the patients at least once each day; such of the males as are under medical treatment, more frequently, if necessary. He will often visit the galleries, spend much of his time with the patients, study the peculiarities of each case, see that all are properly treated, (and report immediately to the superintendent, all instances of neglect or abuse,) and in his intercourse with them, exert what moral influence he can, and endeavor to promote in every way, their comfort and recovery.

3. At the request of the superintendent, he shall keep the record of the cases, copy letters, keep the accounts of the clothing of patients as they come in and leave the Asylum, and perform all other services connected with the medical department.

4. He shall wait upon visitors, and show the premises when the steward is absent or particularly engaged.

IV. DUTY OF ATTENDANTS AND ASSISTANTS.

DUTY TO OFFICERS.

1. It is expected that every person employed in the Asylum, will every where speak well of the institution, and treat the officers, on all occasions, with politeness and respect, and do, readily and cheerfully, all the duty which they require.

2. All must expect an unceasing observation of the manner of performing their respective duties; and the suggestions, by an officer, of deficiencies or improvements, are to be taken kindly, and without offence.

DUTY TO EACH OTHER AND TO THEMSELVES.

1. In the first place, self-respect is enjoined on all. Each one is responsible in his or her department, and should be ambitious to do the duties of it to entire acceptance.

2. Patients will look to attendants for *good* examples: let attendants be careful in nothing to set a *bad* one.

3. Let your dress always be neat and clean. Avoid all ungentlemanlike habits, such as men's wearing their hats within doors, going in shirt sleeves, &c. Never indulge in loud talking or laughing. Use no profane, obscene, or vulgar language. Never play at any game with one another, nor with patients, excepting at the superintendent's direction.

4. Treat each other with politeness: be civil, affable, cordial. Let a smile habitually light up your countenance when you speak. A calm, quiet, cheerful deportment befits your employment. Cherish a high sense of moral obligation; cultivate an humble, self-denying spirit; seek to be useful, and maintain, at all hazards, your purity, truth, sobriety, economy, faithfulness, and honesty.

5. No attendant or assistant, while connected with the Asylum, shall, at any time, at home or abroad, make use of distilled spirits, or intoxicating liquor of any kind.

DUTY OF ATTENDANTS TO PATIENTS.

1. The attendants are to treat the inmates with respect and attention; greet them cheerfully with "good morning" or "good evening," and such other marks of good will and kindness as evince interest and sympathy. Under all circumstances, be tender and affectionate; speak in a mild, persuasive tone of voice; never address a patient coarsely, by a nickname, nor by a christian name, nor by a surname, without the addition of *Mr.*, *Mrs.*, or *Miss*.

2. A patient is ever to be soothed and calmed when irritated; encouraged and cheered when melancholy and depressed. They must never be pushed, collared, nor rudely handled. To induce them to move gentle, persuasive measures will prevail in most cases; when these fail, tell the superintendent, or, if he be absent, the assistant physician, or steward.

3. If the attendant receive insult and abusive language, he must keep cool, forbear to recriminate, to scold, threaten, or dictate in the language of authority. *Violent hands are never to be laid upon a patient, under any provocation. A blow is never to be returned, nor any other insult.* Sufficient force to prevent the patient's injuring himself, or others, is always to be applied gently.

4. The attendant is never to apply any restraining apparatus, such as muff, mitts, &c., unless by order of a resident officer.

5. On rising in the morning, it is the duty of the attendants to see that each patient confided to his or her care is thoroughly washed, hair combed, clothes brushed, and cleaned if necessary, collars, wristbands,

and suspenders buttoned, and all parts of the dress properly adjusted and secured, boots and shoes cleaned and tied; and in fact that the whole dress be neat and in good repair. (All this should be re-looked to throughout the day; and especially before coming to meals, or religious services, or going to ride or walk.) The patients' beds are then to be made, and the galleries, day rooms, bathing rooms, passages and stairs to be swept, and the whole premises put in complete order as soon as it can be done; so that a complete inspection may be had of the house by the superintendent, commencing at eight o'clock from April to September, both inclusive, and at nine the rest of the year. Previous to which time no patients are to leave the house to walk, labor or ride, without directions of the medical officer. By ten o'clock, the morning work should be completed, and the house in order for visitors in every part.

6. One attendant must always be in each gallery with the patients, and he must not leave under any circumstances, but when relieved. The attendants must not retire to their rooms while the patients are in the halls. *This rule* must be observed in all the galleries.

7. At meals, one attendant must always be present to carve, to distribute food to those who are incompetent to do it for themselves, and to see that every one has a proper supply. He must be careful that no patient carry away a knife, fork or other article from the table.

8. An attendant must never place in the hands of a patient, or leave where a patient can get, any razor, penknife, rope, cord, medicine, or any dangerous weapon or article. A constant watch of patients is to be kept in these respects; their beds frequently searched for such articles, and the knives and forks counted after each meal. An attendant must never deliver any letter or writing from or to a patient, without permission of the superintendent; nor ever retain in his or her possession, without such permission, any writing of a patient.

9. The attendants in each gallery are responsible for the safe keeping of the patients therein, and must not leave them except in charge of some responsible person. There is an obvious impropriety in attendants sitting in their own rooms, engaged in reading or writing, during hours of duty; *i. e.*, from the time the patients get up in the morning, until they retire at night. During this time they should be in their own rooms only long enough to adjust their own dress. All these hours, with this sole exception, should be devoted to the patients; endeavoring to keep them tidy and warm, to prevent improper conduct, bad postures, (such as lying on the floor or ground, &c.,) and to instruct, comfort and amuse them by talking with them, reading to them, and the like.

10. Suicides and elopements are most frequent about meal times, and at the hour of religious services; therefore, the strictest watch is

to be kept at these times. Attendants must always be stationed where they can see patients during meals or religious services, and see that no one passes out of the house, and that each one returns to his or her apartment. Attendants are to look not merely to those under their immediate charge, but, with constant watchfulness, over all the patients, they must endeavor to prevent any from eloping or wandering. The clothes of suicidal patients, and every dangerous article, should be removed from their rooms at night. Each attendant should always know where every one is of those committed to his or her charge.

11. When patients ride out, it is the duty of the driver of the carriage to see that they do not leave the carriage, nor communicate with persons casually met, nor deliver letters, packages or messages, nor procure weapons, tobacco, or other articles. He is not to stop and do errands for himself or others, without permission of the superintendent. When patients walk out with an attendant, he shall keep them together, and observe the same prohibitions as the driver; he shall also particularly avoid going near dangerous places, as rail roads, canals, precipices, rivers, wells, machinery, &c.

12. Attendants will go to the office for medicine half an hour before each meal, and see that the whole is given at the time directed, and that it is all swallowed. Each cup is marked with the patient's name. Extreme care must be taken to avoid mistakes, and to prevent patients helping themselves to medicine; therefore, all cups, vials, boxes, &c., containing medicine, should be kept locked up. Within an hour from the time of taking them from the office, the cups should be cleaned and returned to the office. In going for the cups and returning them, the attendant must not delay in the passage, nor hold any other conversation than to report to the superintendent or assistant physician, changes in the condition of the patients, which they are always to do immediately.

13. All damages by patients, and all their wants as to clothes and other articles necessary to put these rules in practice, are to be reported, *daily*, to the superintendent, steward or matron. It will be no excuse for attendants that their rooms, bed and patients are not in ample order, to say *they have not what is necessary*; for their application for such articles should be unceasing until they get them.

14. The attendants must never ridicule the patients, nor mock or imitate them, nor do or say any thing to wound their feelings. If the patients engage in any controversy, or other improper or exciting topic of discourse, the attendant must, in the gentlest manner, interfere and check it; should other means fail, one or two of the loudest talkers may be shut up for a short time, in their respective rooms; if the quiet and good order of the apartment can not otherwise be preserved; but in

such cases one of the resident officers should be informed immediately. The conduct and conversation of patients must never be spoken of to visitors, nor reported by attendants when abroad.

15. Attendants must look particularly to the comfort of patients in their special charge, and visit them late at night and early in the morning. In speaking to patients of the officers, attendants should inculcate respect and confidence in their management, and carry into operation all directions and prescriptions, in the most ready and faithful manner.

16. *Every patient must be in the charge of some responsible individual at all times*, unless permitted to be at large by the superintendent. The person who takes a patient from one of the galleries, shall be accountable for his or her safe keeping until returned to the same, or entrusted by a resident officer to the care of another person.

17. No patient shall be permitted to go out of the building in which his or her room is situated without the consent of a resident officer; and no *new* patient without an order of the superintendent.

18. Food is not to be carried to the rooms of the patients; nor is any one to be absent from the regular meals (excepting in case of sickness or high excitement) without permission of a resident officer.

DUTY TO THE INSTITUTION.

1. The attendants must never leave the Asylum without permission from the superintendent or assistant physician, nor the assistants without permission from a resident officer, and always return by nine o'clock in the evening, unless leave be expressly given to stay longer. Application for leave of absence should be made several hours before leaving.

2. The attendants must never give up a key, nor let any person into the halls without permission of a resident officer. No male attendant, without such permission, shall enter a female apartment.

3. It is expected that all persons will fulfil their engagements scrupulously, as to time of service and duty to be performed, agreeably to their respective contracts with the steward; and no one shall discontinue service at the Asylum, or on the farm, without giving at least thirty days' notice, in writing, to the superintendent or steward.

4. No company shall be admitted into the rooms or galleries occupied by the patients at any time, except by express permission of the superintendent; but all other parts of the Asylum and its grounds may be exhibited by the steward, assistant physician or matron. All persons employed by the institution are expected to show marked respect and attention to strangers and visitors.

5. An indispensable duty of the attendants and assistants, is to secure the perfect and systematic cleanliness and neatness of the Asylum and its inmates. *No part of the house is to be considered clean when it*

can be made cleaner. The spit-boxes, stoves, grates, hearths, floors, tables, bed and bedding, cellars, closets and butteries are to be scrupulously attended to *every day*; so as to preserve a pure atmosphere. Chamber vessels are always to be covered when removed. Any offensive odor is evidence of neglect. Particular attention must be paid by the attendants to the water closets, keeping them clean and partly filled with water, and carefully closing the lid, so that no patient can meddle with the apparatus beneath.

6. The attendants must look well to all doors connected with the galleries at bed time; see that the patients' doors are all safely locked, and the doors communicating with the centre building, all fast bolted; also, take care of all fires and lights, each attendant keeping a light in a lantern, burning all night, in his room, or in the adjoining entry. Visiting from gallery to gallery, and especially to the kitchen without business, is a violation of duty. All the doors of the patients' rooms shall be kept locked, while the patients are in bed. In locking doors, be careful always to *hear the bolt slip*: this precaution will often prevent escapes.

7. The whole time of the attendants and assistants belongs to the Asylum. This does not prohibit each one from attending to his or her own clothing; but to no other service can they devote any time, nor can they receive any compensation, besides their regular wages for any service or labor, excepting only by express permission of the superintendent in each case.

8. Any attendant or assistant receiving any present or gratuity from any patient (or the friend of a patient) in the Asylum, or from any visitor; or selling any thing to a patient; or making any perquisite, of any kind whatever, shall be instantly dismissed.

V. STATED HOURS FOR MEALS, &c.

1. The morning bell shall be rung for two or three minutes, at five o'clock, A. M., in May, June, July and August; at half past five, in March, April, September and October; and at six, in November, December, January and February. It is required that all persons who have duty to perform in the institution will rise, in the morning, at the ringing of the bell.

2. Breakfast is always to be placed upon the table precisely one hour and a half after the ringing of the bell; *i. e.*, in the summer at half past six o'clock, in the spring and fall at seven, and in winter at half past seven. Dinner will be served uniformly at half past twelve, M., and tea at six, P. M., the year round.

3. The Asylum is to be closed at half past 9 o'clock every night; at

which time the attendants and assistants must all retire to their apartments.

4 Sunday is to be a *Sabbath*, or day of rest and quiet, at the Asylum. The buildings and grounds are not to be exhibited to visitors on this day ; nor shall any visitor be admitted into the galleries or rooms of patients or attendants.

5 It is expected that all persons employed in the Asylum, who are well, and can be spared from the duties of the house and halls, will, unless leave of absence be granted in each case, attend public worship in the chapel, on the Sabbath.

VI. PREMIUM FOR FIDELITY.

The superintendent is authorized, at his discretion, to allow, annually, to each attendant and assistant, who shall have served one year, at least, in the Asylum, TO HIS ENTIRE SATISFACTION, a gratuity, not exceeding \$8 to a male, and \$5 to a female.

VII. WATCHMAN.

It shall be the duty of the watchman to commence his services each night at half past nine o'clock.

In *winter*, when the weather is cold, he will keep a fire in at least one furnace of each wing, and in the centre building, during the night, in which case he will visit them at least every hour, and regulate the fires according to the temperature of the weather. In moderate weather the fires may be suffered to go out, in which case the damper must always be closed.

The least suspicion of fire in any part of the establishment must excite his immediate vigilance.

If fire is discovered, he must forthwith notify the superintendent, the steward, and assistant physician, and all attendants and assistants, but give no general alarm. It will be his duty to pass out into the rear of the Asylum frequently, and in extremely cold weather look at the fires under the lodges. If the fires in the furnace are suffered to go out, he must kindle them in the morning, so as to have them in operation by five o'clock.

At all seasons he must have all fires built which are necessary, as in the wash room, centre kitchen, &c. before he rings the bell.

It will be his duty to look frequently about the wings, and in summer to walk about the establishment, to see that all is safe. He must also look frequently into the male infirmary, when there are sick persons in it, and keep up a uniform fire, when necessary. During the whole night, whether stationary, or moving, he will have his lights always in a lantern, and never, in any case, or under any circumstances deviate from this rule.

After ringing the bell in the morning, his duty ceases till time of dinner. After dinner his services will belong to the institution till sunset, when he will be released till half past nine.

In his walks he must be as silent as possible, enter into no loud conversation with any one, and make as little noise as possible.

He must not fail to be faithful ; keep awake during the hours of his watch, and never cease to be vigilant.

VIII. VISITORS.

Strangers and others may be admitted, to visit the buildings and grounds, with such restrictions as the superintendent may prescribe, between the hours of 10 o'clock and 12 M., or 2 and 4 P. M. daily, except Sundays.

IX. OF THE ADMISSION OF PATIENTS.

1. Whenever a patient is sent to the Asylum by the order of any court, justice, judge, or supreme court commissioner, the order or warrant, (or a copy thereof,) by which such person is sent, shall be lodged with the superintendent. In all other cases, a request under the hand of the person or persons by whose directions the patient is sent, stating the age and place of nativity of the patient, if known, his or her christian or surname, place of residence, occupation and degree of relationship or other circumstance of connexion between the patient and the person requesting his admission, shall be lodged with the superintendent, together with a certificate dated within two months, under oath, signed by two reputable physicians, of the fact of the patient being insane, and each person signing such request or certificate must annex to his name his profession or occupation and the town, county and state, of his residence, unless those facts appear on the face of the document. [See Sec. 19, of the act to organize the Asylum.]

2. Each patient before admission must be made perfectly clean, his or her hair be properly cut and be free from vermin and infectious or contagious disease.

3. Each male patient must be provided with, at least, two new shirts, a new and substantial coat, vest and pantaloons of strong woolen cloth, a pair of mittens or gloves, two pairs of woolen stockings, a black stock or cravat, a good hat or cap and a pair of new shoes or boots, together with a comfortable outside garment.

4. Each female patient, in addition to the same quantity of under garments, shoes and stockings, should have a flannel petticoat, and two good dresses, and also a cloak or other outside garment. In case the patient is so much excited as not to admit of being thus clothed, other clothing that can be kept on, that is comfortable and in sufficient quan-

tity, with a change thereof, may be substituted. It is very desirable that extra and better garments should be sent with those accustomed to them, that when they become better, and when they walk or ride out, attend religious worship, &c., their self-respect may be preserved. This is important and should not be neglected. In all cases the patient's best clothing should be sent. It will be marked and carefully preserved and only used when deemed useful for the purpose mentioned.

5. A written history of the case should be transmitted with the patient, and when convenient it is also desirable that some one well acquainted with the patient should accompany him or her, from whom minute but often essential particulars may be learned.

6. The price of board, including washing, medicine, and attendance, is fixed for county patients and those who are indigent, at \$2,50 per week. For other patients it will vary according to the trouble and expense incurred, but in no case to exceed \$4,00 per week, unless by special agreement with the managers or superintendent, for extra attention and accommodations. Payment is required to be made semi-annually, on the first of August and February.

7. A bond with satisfactory sureties, will be required for the payment of the board and expenses of all patients admitted, excepting those sent by counties.

FORM OF BOND.

Know all men by these presents, that we, _____ of the town of _____, in the county of _____, are held and firmly bound to _____, treasurer of the New York State Lunatic Asylum, and his successors in office, in the sum of five hundred dollars, for the payment of which we jointly and severally bind ourselves firmly by these presents.

Sealed with our seals and dated this _____ day of _____ 184 .

Whereas _____, of the town of _____, in the county of _____, a lunatic, has been admitted a boarder in the New York State Lunatic Asylum, at Utica. Now therefore, the condition of this obligation is, that if the said obligors shall pay to the said treasurer, or his successors in office, the sum of _____ dollars and _____ cents, per week, for the board of said lunatic so long as he shall continue a boarder in said Asylum, with such extra charges as may be occasioned by requiring more than ordinary care and attention, and shall provide for suitable clothing and pay for all such necessary articles of clothing as shall be procured for _____ by the steward of the Asylum, and shall remove _____ from the Asylum whenever the room occupied by _____ shall be required for a class of patients having preference by law, or in the opinion of the superintendent to be received into said Asylum, and if he

should be removed at the request of before the expiration of six calendar months after reception then if said obligors, shall pay board for twenty six weeks, unless should be sooner cured, and if they shall also pay not exceeding fifty dollars for all damages may do to the furniture or other property of said Asylum, and for reasonable charges in case of elopement, and funeral charges in case of death; such payments for board and clothing to be made semi-annually, on the first of August and February, in each year, and at the time of removal, with interest on each bill, from and after the time it becomes due, then this obligation to be void, otherwise in force.

Signed and sealed }
in presence of }

FORM OF CERTIFICATE BY TWO PHYSICIANS,

Pursuant to Section 19, of the act to organize the Asylum.

We, A. B., of the town of , in the county of , and C. D., of the town of , in the county of , physicians, duly licensed to practice as such, according to the laws of the State of New York, do certify that we have examined into, or are acquainted, with the state of health and mental condition of E. F., of the town of , in the county of , and that he is in our opinion insane, and a fit patient to be sent to the State Lunatic Asylum.

(Signed,)

A. B.

Dated , 184 .

C. D.

County of , ss:

The above named , being duly sworn say that the facts stated in the above certificate by them subscribed are true, according to the best of their knowledge and belief.

Sworn before me, this } (Signed,)
day of , 184 , }

A. B.

C. D.

FORM OF REQUEST,

For the admission of a patient into the Asylum.

To the superintendent of the N. Y. State Lunatic Asylum:—

The undersigned of the town of , in the county of , is desirous of placing in the State Lunatic Asylum at Utica, and hereby requests the admission therein of A. B., a resident of the town of , in the county of , who is aged years and has been [here state what the occupation, profession or business of the lunatic has been.] He (or she) is a native of , in the county of , in the State of , and is [here state what the relationship or circumstances of connexion may be] of the undersigned.

[Then should follow a written history of the case, stating the supposed cause of insanity, when it commenced, and all the particulars and peculiarities of the case.]

Dated 184 .

FORM OF WARRANT OF COMMITMENT,

Of an insane person by two justices of the peace, pursuant to Title 3, Chap. 20, of the first part of the Revised Statutes, and Sec. 20 and 22, of the act to organize the State Lunatic Asylum.

The people of the State of New York to the superintendents of the poor of the county of [or to the overseers of the poor of the town of in said county] and to any constable of the town of in said county, and to the superintendent of the State Lunatic Asylum at Utica, in the county of Oneida, Greeting :—

Whereas upon the application of of the town of in our said county of it hath been made satisfactorily to appear to us, two of the justices of the peace of said county of , after a full hearing in the matter, and by the evidence of two reputable physicians sworn and examined under oath before us, that of the town of , in the said county of , is a lunatic so furiously mad (or so far disordered in his senses) as to endanger his own person or the person or property of others, and that it is dangerous to permit such lunatic to go at large. These are therefore, in the name of the people of the State of New York, to command you and each of you, forthwith to apprehend and carry said to the State Lunatic Asylum aforesaid, and to deliver to the said superintendent together with this precept, and you, the said superintendent, are hereby commanded to receive the said lunatic into said Asylum, and therein to detain until discharged therefrom by due course of law.

Given under our hands and seals, this day of in the year of our Lord one thousand eight hundred and forty-

} Justices of the
} Peace.

When a patient is sent to the Asylum by the superintendents of the poor of a county, or the overseers of the poor of a town, the following obligation should be given by a majority of such officers to the treasurer of the Asylum.

WHEREAS of in the county of , a lunatic, has been admitted a boarder in the State Lunatic Asylum, at Utica, we the undersigned, being a majority of the superintendents of the poor of the county of [or when sent by overseers of a town say “overseers of the poor of the town of ”] in behalf of said county, (or town,) and not personally for ourselves, do hereby promise

treasurer of said Asylum, to pay him, or his successors in said office, the sum of dollars and cents per week, for the board of said , so long as shall continue a boarder in said Asylum, with such extra charges as may be occasioned by requiring more than ordinary care and attention ; to provide for suitable clothing, and to pay for all such necessary articles of clothing as shall be procured for by the steward of the Asylum, and to remove from said Asylum whenever the room occupied by shall be required for a class of patients having preference by law, or in the opinion of the superintendent, to be received into said Asylum, and if should be removed at the request of before the expiration of six calendar months after reception to pay board for twenty-six weeks, unless should be sooner cured. Also to pay, not exceeding fifty dollars, for all damages may do to the furniture and other property of said Asylum, and for reasonable charges in case of elopement, and funeral charges in case of death. Payment to be made semi-annually on the first of August and February, and at the time of removal, with interest on each bill from and after the time it becomes due.

Witness our hands, this day of , A. D. 184 .

(Signed,)

{ Superintendents of the poor
 of the county of
 or,
 { Overseers of the poor of the
 town of

*By Sec. 26, of the act to organize the N. Y. State Lunatic Asylum, &c.,
 Passed April 7, 1842,*

It is provided, that *whenever a person in indigent circumstances, not a pauper*, becomes insane, application may be made to the first judge of the county where he resides, and such judge shall investigate the facts of the case, and if he is satisfied that the person is insane and that his estate is insufficient to support him and his family (or if he has no family, himself) under the visitation of insanity, on the certificate of the judge authenticated by the county clerk and the seal of the county courts, he shall be admitted into the Asylum, and supported there at the expense of the county to which he belongs until he be restored to soundness of mind, *if effected in two years.*

By Section 23, of said act,

It is provided, that all lunatics confined in jails under the provisions of the Revised Statutes are to be sent to the State Asylum.

AN ACT

To organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane.

Passed April 7, 1842.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Nicholas Devereux, Jacob Sutherland, Charles A. Mann, Alfred Munson, Charles B. Coventry, Abraham V. Williams, Thomas H. Hubbard, T. Romeyn Beck and David Buel are hereby appointed managers of the State Lunatic Asylum; and shall hold their offices as follows: The said Nicholas Devereux, Jacob Sutherland, and Charles A. Mann, shall hold their offices for one year; the said Alfred Munson, Charles B. Coventry, and Abraham V. Williams, shall hold their offices for two years; and the said Thomas H. Hubbard, T. Romeyn Beck, and David Buel, shall hold their offices for three years; and they shall hold their offices until others are appointed in their stead, subject to being removed at any time by the senate, upon the recommendation of the Governor. Their successors shall be appointed by the senate, upon the nomination of the Governor, and shall hold their offices for three years, and until others are appointed in their stead, and subject to be removed in the manner aforesaid. The government of the State Lunatic Asylum shall be vested in the said board of managers, and a majority thereof shall reside within five miles of said Asylum.

Managers of
Asylum.

Second class

Third class.

§ 2. Said board shall have the general direction and control of all the property and concerns of the institution not otherwise provided for by law, and shall take charge of its general interests, and see that its great design be carried into effect, and every thing done faithfully according to the requirements of the legislature, and the by-laws, rules and regulations of the Asylum.

Board to
have general
control of
property.

§ 3. The managers shall appoint a superintendent, who shall be a well educated physician, and a treasurer, who shall reside in the city of Utica, and give bonds for the faithful performance of his trust, in such sum and with such sureties as the Comptroller of the state shall approve. They shall also appoint, upon the nomination of the superintendent, a steward, an assistant physician and a matron, all of whom,

To appoint a
superinten-
dent.

and the superintendent himself, shall constantly reside in the Asylum, and shall be designated the resident officers thereof.

Salaries of
officers.

§ 4. The managers shall from time to time determine the annual salaries and allowances of the treasurer and resident officers of the Asylum, subject to the approval of the Governor of the state, Secretary of State, Comptroller and Attorney-General, and such salaries shall not exceed, in the aggregate, five thousand five hundred dollars for any one year.

To be paid
quarterly.

§ 5. The salaries of the treasurer and resident officers of the Asylum shall be paid quarterly, on the first days of January, April, July and October, in each year, by the Treasurer of the state, on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the Asylum, on his presenting a bill of particulars signed by the steward and certified by the superintendent.

Grants, de-
vises &c.,
may be held
in trust.

§ 6. The managers may take and hold, in trust for the state, any grant or devise of land or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons, and the general use of the State Lunatic Asylum.

Oath of
office.

§ 7. The treasurer and resident officers of the Asylum, before entering upon their respective duties, shall severally take the oath prescribed in the first section of the sixth article of the constitution of the State ; and such oath shall be filed with the clerk of the county of Oneida.

Managers
may estab-
lish by-laws.

§ 8. The managers are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants and assistants, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the business of the institution ; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the Asylum.

Powers and
duties of the
superinten-
dent.

§ 9. The superintendent shall be the chief executive officer of the Asylum. He shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock ; and the direction and control of all persons therein subject to the laws and regulations established by the managers. He shall daily ascertain the condition of all the patients and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign

them their respective duties, subject to the by-laws ; also to appoint with the managers' approval, such and so many other officers, assistants and attendants, as he may think proper and necessary for the economical and efficient performance of the business of the Asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole direction ; but in every case of discharge he shall forthwith record the same with the reasons, under an appropriate head, in one of the books of the Asylum. He shall also have power to suspend, May suspend resident officers. until the next monthly meeting of the managers, for good and sufficient cause, a resident officer ; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity and economy in every department of labor and expense ; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the Asylum. He shall further cause full and fair Cause accounts, &c., to be kept. accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws ; and he shall see that all such accounts and records are fully made up to the last day of November in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter. The assistant physician shall perform the duties, and be subject to the responsibilities of the superintendent in his sickness or absence.

§ 10. The resident officers of the State Lunatic Asylum, Privileges of officers. and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, from all assessments for labor on the highways, and in time of peace, from all service in the militia ; and the certificate of the superintendent shall be evidence of the fact of such employment.

§ 11. The managers shall keep, in a bound book to be Managers to keep record of their doings. provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of

the Governor of the state, and of all persons whom he, or either house of the legislature may appoint to examine the same.

Inspection
and visita-
tion of
Asylum.

§ 12. The managers shall maintain an effective inspection of the Asylum; for which purpose, one of them shall visit it every week, two once every month, a majority once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house, patients, &c., with remarks of commendation or censure, and all the managers present shall sign the same. The general results of these inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations and actual state of the Asylum, which the managers shall make to the legislature in the month of January in each year accompanied with the annual reports of the superintendent and treasurer.

Officers to
admit mana-
gers into
every part of
Asylum.

§ 13. It shall be the duty of the resident officers to admit any of the managers into every part of the Asylum, and to exhibit to him or them, on demand, all the books, papers, accounts, and writings belonging to the institution, or pertaining to its business, management, discipline, or government; also, to furnish copies, abstracts, and reports, whenever required by the managers.

Treasurer to
have the cus-
tody of mon-
ey, &c., and
to keep ac-
counts.

§ 14. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the Asylum. He shall open, with one of the banks in Utica, to be selected with the approbation of the Comptroller of the state, an account in his own name, as treasurer of the Asylum; and he shall deposit all moneys immediately upon receiving them in said bank, and shall draw for the same only for the uses of the Asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment. He shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers shall prescribe. He shall balance all the accounts on his books annually, on the last day of November, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within three days, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and

verify the results by a further comparison with the books of the steward, and certify the correctness thereof, within the next five days, to the managers. He shall further render a quarterly statement of his receipts and payments, on the first days of March, June, and September in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the Asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

§ 15. The treasurer of the State Lunatic Asylum shall be vested with the same powers, rights, and authority which are now by law given, either to superintendents of the poor or to overseers of the poor, in any county or town of the state, so far as may be necessary for the indemnity and benefit of the Asylum, and for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the Asylum, and reimburse actual disbursements for his necessary clothing and travelling expenses, according to the by-laws of the institution; also for the purpose of coercing the payment of similar charges when due, according to said by-laws, from any town or city or county that is liable for the support of any lunatic in said Asylum.

Treasurer to have the same power as superintendents and overseers of the poor, in certain cases

§ 16. Said treasurer is also authorized to recover, for the use of the Asylum, any and all sums which may be due upon any note or bond in his hands belonging to the Asylum; also any and all sums which may be charged and due, according to the by-laws of the Asylum, for the support of any patient therein, or for actual disbursements made in his behalf, for necessary clothing and travelling expenses, in an action to be brought in said treasurer's name, as treasurer of the State Lunatic Asylum, and which shall not abate by his death or removal, against the individual, town, city, or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action, the declaration may be in a general *indebitatus assumpsit*; and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid. Said treasurer may also, upon the receipt of the money due upon any mortgage in his hands, belonging to the Asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Authorized to recover all sums due to Asylum.

Powers and
duty of the
steward.

§ 17. The steward, under the direction of the superintendent, shall make all purchases for the Asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like direction, make contracts in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the accounts for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last day of every February, May, August, and November, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the Asylum; and shall annually, during the third week in November, make out and file with the managers a true and perfect inventory, verified by oath, of all the personal property belonging to the Asylum, in and about the premises, with an appraisal thereof, made under oath, by himself and some discreet householder of the city of Utica, whom the managers shall appoint for that purpose.

Notice to be
given when
Asylum is
ready for
admission of
patients.

§ 18. As soon as the Asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published for two weeks in the state paper, and sent to the clerk of every county, who shall transmit copies thereof to the superintendents of the poor of said county, by mail. A circular from the superintendent shall accompany said notice to each county clerk, and to the superintendents of the poor, designating different days for the counties severally to send to the Asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

Patients how
admitted.

§ 19. No patient shall be admitted into the Asylum, except upon an order of some court, justice, judge, or supreme court commissioner, without lodging with the superintendent, first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian and surname, place of residence, occupation, and degree of relationship, or other circumstances of connexion, between him and the person requesting his admission; and second, a certificate, dated within two months, under oath, signed by two respectable physicians, of the fact of his being insane; each person signing such request or certificate, shall

Repealed

annex to his name, his profession or occupation, and the town, county and state of his residence, unless these facts appear upon the face of the document.

§ 20. In every case of lunacy hereafter occurring and provided for by Title three, Chapter twenty, Part first, of the Revised Statutes, the lunatic shall be sent within ten days to the State Lunatic Asylum, or "to such public or private Asylum as may be approved by a standing order or resolution of the supervisors of the county;" and the provisions of said Title three, allowing other places of confinement beyond ten days, are hereby repealed. The superintendents and overseers of the poor named in the several sections of said Title three, are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner; as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper.

Lunatics when to be sent to Asylum in cases hereafter occurring.
Repeal.

§ 21. If any lunatic confined under the statute, Title three, last aforesaid, or any friend in his behalf, be dissatisfied with any final decision or order of the justices, or of any overseer or superintendent of the poor, under such statute, he may, within three days after such order or decision, appeal to one of the judges of the county, making complaint on oath, and such judge shall thereupon stay his being sent out of the county, and forthwith call a jury to decide upon the fact of lunacy; after a full and fair investigation, aided by the testimony of two respectable physicians, if such jury find him sane, the judge shall forthwith discharge him, otherwise he shall confirm the order for his being immediately sent to an Asylum. In case the justices refuse to make an order for confinement, they shall state their reasons for such refusal in writing, so that any person aggrieved thereby may appeal, as above to a county judge, who shall hear and determine in a summary way, or call a jury, as he may think most fit and proper. In every case of appeal the judge shall have the same power to take testimony and compel the attendance of witnesses and jurors, as a justice has in civil cases.

Appeal may be made from order of justice or overseer.

§ 22. In every case of "confinement" under the statute, Title three, last aforesaid, whether of a pauper or not, after the passage of this act, neither justices, superintendents, or overseers of the poor, shall order or "approve" of such confinement, without having the evidence of two reputable physicians, under oath, as to the alleged fact of insanity; and such testimony shall be reduced to writing and filed, with

Confinement not to be ordered or approved of until insanity is proved.

a brief report of all the other proofs, facts, and proceedings in the case, in the office of the county clerk; and said clerk shall file said papers; and register with date, the names and residence of the lunatic and officers severally, in tabular form, in the book of miscellaneous records, kept in said office; and the certificate of said clerk, and seal of the court, verifying such facts, shall warrant such lunatic's admission into the Asylum.

Provision as
to lunatics
confined in a
jail.

§ 23. All lunatics whose confinement under the said statute, Title three, is in a jail, or has commenced since the last day of December, eighteen hundred and forty, (except those whose mental derangement is upon the testimony under oath of two respectable physicians, manifestly incurable, or whose bodily infirmities indicate the approach of speedy dissolution,) and who are not already under special resolution of the supervisors as aforesaid, in some other approved asylum, shall be sent to the State Lunatic Asylum, within such time and under such regulations as shall be prescribed by the by-laws, after the Asylum shall be open for the reception of patients. Superintendents of the poor, and all persons having the care of such lunatics, shall see to carrying this into effect.

Names, &c.,
of persons
bringing lu-
natics to be
recorded.

§ 24. The superintendent shall make, in a book kept for the purpose, at the time of reception, a minute with date of the name, residence, office and occupation of the person by whom, and by whose authority, each insane person is brought to the Asylum, and have all the orders, warrants, requests, certificates and other papers accompanying him, forthwith copied into the same.

Number of
patients al-
lowed to
each county.

§ 25. Each county may at all times have one indigent insane patient in the Asylum, whose disease at the time of admission was a first attack, and did not exceed six months; and such further number of either old or recent cases as the Asylum can accommodate, in proportion to the insane population of the county. The patients shall be designated by the superintendents of the poor, or, if the county has no such superintendents, by the first judge.

Certain indi-
gent persons
not paupers
to be admit-
ted.

§ 26. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to the first judge of the county where he resides; and said judge shall call two respectable physicians and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at his discretion, as to the question of insanity, shall decide the case as to his

indigence. And if the judge certifies that satisfactory proof has been adduced showing him insane, and his estate is insufficient to support him and his family, (or if he has no family, himself,) under the visitation of insanity, on his certificate, authenticated by the county clerk and seal of the county courts, he shall be admitted into the Asylum and supported there at the expense of said county, until he shall be restored to soundness of mind, if effected in two years. The judge, in such case, shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support accordingly.

§ 27. When an insane person in indigent circumstances shall have been sent to the Asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefitted by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to the treasurer of the Asylum. And they shall repeat the same for two succeeding years, upon like application and the production of a new certificate each year, of like import from the superintendent.

Counties to support such persons after six months.

§ 28. No patient shall be admitted into the Asylum for a shorter period than six months, except in special cases as specified in the by-laws.

Term of admission.

§ 29. Whenever there are vacancies in the Asylum, the managers may authorize the superintendent to admit, under special agreements, such recent cases, as may seek admission under peculiarly afflictive circumstances, or which, in his opinion, promise speedy recovery.

Vacancies.

§ 30. All town and county officers sending a patient to the Asylum, shall, before sending him, see that he is in a state of perfect bodily cleanliness and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws.

Bodily cleanliness and clothing of patients.

§ 31. When a person shall have escaped indictments, or shall have been acquitted of a criminal charge upon trial, on the ground of insanity, the court being certified by the jury

Provisions as to persons acquitted after trial, on

the ground of insanity. or otherwise, of the fact, shall carefully inquire and ascertain

whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the Asylum. If such person be sent to the Asylum, the county from which he is sent shall defray all his expenses while there, and of sending him back if returned ; but the county may recover the amount so paid, from his own estate if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere.

As to persons in confinement or under sentence of imprisonment, &c.

§ 32. If any person in confinement, under indictment or under sentence of imprisonment, or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the first judge of the county where he is confined, or if the first judge be absent from the county, any county judge of the degree of counsellor of the supreme court, shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and if he deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors ; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment and order his safe custody and removal to the Asylum, where he shall remain until restored to his right mind ; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and district attorney thereof, so that the person so confined may within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise discharged ; or if the period of his imprisonment shall have expired he shall be discharged. The provisions of the last preceding section requiring the county to defray the expenses of a patient sent to the Asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

As to persons imprisoned on attachment, &c.

§ 33. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, one of the judges mentioned in the last preceding section of this act, shall institute like proceedings in his case as are required in the case provided for in said section ; but notice shall in such case be given by mail or otherwise, to the plaintiff or his attorney, if in the state ; and if it shall be

proved to the satisfaction of said judge that the prisoner is insane, he may discharge him from imprisonment and order him into safe custody and to be sent to the Asylum ; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind.

§ 34. Persons charged with misdemeanors and acquitted on the ground of insanity, may be kept in custody and sent to the Asylum, in the same way as persons charged with crime.

Persons charged with misdemeanors and acquitted.

§ 35. The price to be paid for keeping the poor, or any persons, in indigent circumstances, in the Asylum, until the first day of April, eighteen hundred and forty-three, shall be two dollars and fifty cents per week ; thereafter it shall be annually fixed by the managers and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. But the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured. The managers may, at their discretion, require payments after the first of December next, to be made quarterly or semi-annually, in advance.

Price for keeping the poor and indigent.

§ 36. Every insane person supported in the Asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf. And the committee, relative, town, city, or county that would have been bound by law to provide for and support him if he had not been sent to the Asylum, shall be liable to pay the expenses of his clothing and maintenance in the Asylum, and actual necessary expenses to and from the same.

Liability of persons supported.

§ 37. The expenses of clothing and maintaining, in the Asylum, a patient who has been received upon the order of any court, or officer, shall be paid by the county from which he was sent to the Asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the Asylum, the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the Asylum, upon the order of the steward ; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city, or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest from the day of paying the same.

Certain patients to be supported by counties.

Expense of removing certain patients how paid.

§ 38. Whenever the managers shall order a patient removed from the Asylum to the poor house of the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal as part of the contingent expenses of said poor house. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, by such superintendents. If such superintendents of the poor neglect or refuse to pay such expenses, on demand, the treasurer of the Asylum may pay the same and charge the amount to the said county; and the treasurer of the said county is authorized to pay the same, with interest after thirty days; and the supervisors of the said county shall levy and raise the amount as other county charges.

Expense of supporting lunatics how recovered.

§ 39. Every town or county paying for the support of a lunatic in the Asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same, at other places, under existing laws.

Powers of chancellor.

§ 40. None of the provisions of this act shall restrain or abridge the power and authority of the chancellor of the state, over the persons and property of the insane.

Patients completely recovered when discharged.

§ 41. The managers upon the superintendent's certificate of complete recovery, may discharge any patient, except one under a criminal charge, or liable to be remanded to prison; and they may send back, to the poor house of the county whence he came, any patient admitted as "dangerous," who has been one year in the Asylum, upon the superintendent's certificate, that he is harmless and will probably continue so, and not likely to be improved by further treatment in the Asylum, or when the Asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poor house; they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake with good and approved sureties, for his peaceable behavior, safe custody and comfortable maintenance, without further public charge.

Patients of the criminal class.

§ 42. A patient of the criminal class may be discharged by order of one of the justices of the supreme court, or a circuit judge, if upon due investigation it shall appear safe, legal and right to make such order.

§ 43. No patient shall be discharged without suitable clothing; and if it can not be otherwise obtained, the steward shall, upon the order of two managers, furnish it, also money not exceeding twenty dollars, to defray his necessary expenses until he reaches his friends, or can find a chance to earn his subsistence.

Patients discharged to be suitably clothed.

§ 44. It shall be the duty of the assessors in each town and ward in the state, every year, to make diligent inquiry, and ascertain with accuracy the number and names of all insane persons in said town or ward, and to make a list of the same with the best account they can get, in each case of the patient's age, general health, habits and occupation, kind, degree and duration of insanity, and pecuniary ability of self and relatives liable for his support. They shall send this list, with all the facts brought down to the latest period, to the clerk of the county, by the first day of August; who shall carefully condense the facts exhibited, and mail the same to the treasurer of the Asylum at Utica, without delay. No county clerk shall receive any compensation for any services performed under this act.

Assessors to ascertain the number of insane persons yearly.

§ 45. The treasurer of the state is hereby directed to pay to the treasurer of the State Lunatic Asylum, upon the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money, as may be required by the certificates of the superintendent of said Asylum, to provide furniture, stock, books and fixtures for the said Asylum, not exceeding in the whole, sixteen thousand dollars; and such further sum or sums as may be required by like certificates, not exceeding in the whole, eight thousand dollars, to purchase food, fuel and medicines, and to defray the contingent expenses of said Asylum; also such further sum or sums not exceeding two thousand dollars, upon like certificates, to enclose and improve the grounds of said Asylum.

Money to be paid by state treasurer for furniture of Asylum, &c.

§ 46. The terms "lunacy," "lunatic" and "insane," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; the word "oath" includes "affirmation;" the words "justice" and "justices" mean "justice of the peace," and "justices of the peace;" the word "overseer" means "overseer of the poor," and "county superintendent" means "superintendent of the poor;" the word "Asylum" and "institution" means "State Lunatic Asylum;" a word denoting the singular number is to include one or many; and every

Meaning of terms used in this act.

word importing the masculine gender only, may extend to, and include females.

Expenses of managers to be paid. § 47. The managers of the State Lunatic Asylum shall receive no compensation for their services, but shall receive their actual and reasonable travelling and other expenses, to be paid on the warrant of the Comptroller, on the rendering of their accounts.

All purchases to be made for cash. § 48. All purchases for the use of the Asylum shall be made for cash, and not on credit, or time ; every voucher shall be taken duly filled up at the time it is taken, with every abstract of vouchers for money paid shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken ; and the managers shall make all needful rules and regulations to enforce the provisions of this section.

In case of deficiency of funds, money may be advanced. § 49. If the managers shall find that the funds at their command will prove insufficient to carry on the Asylum, they may apply to the Governor, Secretary of State, Comptroller, and Attorney-General, specifying the purchases to be made, and if the Governor, Secretary of State, Comptroller and Attorney-General shall be of opinion that the purchases are necessary, they may make an order that a sum not exceeding five thousand dollars in any one year, be advanced to the managers by the Comptroller out of any money in the treasury not otherwise appropriated.

Powers under act of 1836. § 50. So much of the fourth section of the act to authorize the establishment of the New York State Lunatic Asylum, passed March 30, 1836, as provides for the appointment of three commissioners, is hereby abolished ; all the powers conferred upon said commissioners by said act, or any subsequent act of the legislature, are hereby conferred upon the managers appointed by this bill.

Act when to take effect. § 51. This act shall take effect immediately, except its requirements for sending the insane to the Asylum, which shall take effect as soon as the managers' notice of the Asylum being ready as aforesaid, shall have been published for two weeks in the state paper.

TITLE III, CHAP. 20,

OF THE FIRST PART OF THE REVISED STATUTES.

Lunatics having property to be confined, &c., § 1. When any person, by lunacy or otherwise, becomes furiously mad, or so far disordered in his senses as to endanger his own person, or the person or property of others, if permitted to go at large, who is possessed of sufficient property

to maintain himself, it shall be the duty of the committee of his person and estate, to provide a suitable place for the confinement of such person, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town. by their committees.

§ 2. If such person is not possessed of sufficient property to maintain himself, it shall be the duty of the father and mother, and the children of such person, being of sufficient ability, to provide a suitable place for his confinement, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town. Not having property, to be confined, &c., by certain relatives

§ 3. The overseers of the poor shall have the same remedies to compel such relatives to confine and maintain such lunatic or mad person, and to collect the costs and charges of his confinement, as are given by law in the case of poor and impotent persons becoming chargeable to any town. Duty how enforced.

§ 4. In case of the refusal or neglect of any committee of such lunatic or mad person, or of his relatives, to confine and maintain such person as aforesaid; or when there is no such committee or relative of sufficient ability; it shall be the duty of the overseers of the poor of the city or town where any lunatic or mad person shall be found, to apply to any two justices of the peace of the same city or town, who, upon being satisfied upon examination, that it would be dangerous to permit such lunatic to go at large, shall issue their warrant directed to the constables and overseers of the poor of such city or town, commanding them to cause such lunatic or mad person to be apprehended, and to be safely locked up and confined in such secure place as may be provided by the overseers of the poor, to whom the same shall be directed, within the town or city of which such overseers may be officers, or within the county in which such city or town may be situated, or in the county poor house in those counties where such houses are established, or in such private or public asylum as may be approved by any standing order or resolution of the supervisors of the county in which such town or city may be situated, or in the Lunatic Asylum in the city of New York. Lunatics how secured.

§ 5. It shall be the duty of the overseers of the poor to whom such warrant shall be directed, to procure a suitable place for the confinement of such lunatic as therein directed, pursuant to the preceding section. Duty of overseers.

§ 6. No person who, by reason of lunacy or otherwise, is furiously mad, or so far disordered in his mind as to be dangerous if permitted to go at large, shall be committed as a disorderly person, to any prison, jail, house of correction, or confined therein, unless an agreement shall have been made for that purpose with the keepers thereof; or in any other way than as is herein directed. How and when lunatics may be confined in jails.

§ 7. No such lunatic or mad person, or person disordered in his senses, shall be confined in the same room with any person charged with, or convicted of any crime; nor shall such person be confined in any jail more than four weeks, In what manner and for what time to be confined.

and if he continue furiously mad or dangerous, he shall be sent to the Asylum in New York, or to the county poor house or alms house, or other place provided for the reception of lunatics, by the county superintendents.

Powers of
two justices
in securing
lunatics.

§ 8. Any two justices of the peace of the city or town where any such lunatic or mad person shall be found, may, without the application of any overseers of the poor, and upon their own view, or upon the information or oath of others, whenever they deem it necessary, issue their warrant for the apprehension and confinement of such lunatic or mad person, as aforesaid.

Lunatics
may be sent
to N. Y. Asy-
lum.

§ 9. The county superintendents of the poor of any county, and any overseers of the poor of any town, to which any person shall be chargeable, who shall be or become a lunatic, may send such person to the Lunatic Asylum in the city of New York, by an order under their hands.

Expense
thereof, and
of lunatic's
support.

§ 10. The expense of sending any lunatic to the Asylum at New York, and of supporting him there, shall be defrayed by the county or town to which he may be chargeable; if chargeable to a county, or to any town whose poor monies are required to be paid into the county treasury, such expense shall be paid by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county or town, after being allowed and certified by the county superintendents. If such lunatic be chargeable to a town, whose poor monies are not required to be paid into the county treasury, such expense shall be paid by the overseers of the poor thereof.

Penalty for
confining lu-
natics, &c.

§ 11. Any overseer of the poor, constable, keeper of a jail, or other person, who shall confine any such lunatic or mad person, in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor; and on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before which the conviction shall be had.

Powers of
chancery not
to be affected

§ 12. None of the foregoing provisions shall be deemed to restrain or abridge the power and authority of the chancellor, concerning the safe keeping of any lunatics, or the charge of their persons or estates.

Committees
of a lunatic
how compel-
led to confine
him, &c.

§ 13. The overseers of the poor of any city or town shall have the same remedies to compel the committee of the estate of any lunatic to confine and maintain such lunatic or mad person, and to collect of such committee the costs and charges of his confinement and support, as are given in the preceding sections against the relatives of such lunatic. And the court of general sessions of the peace of the city or county, shall make orders against such committee personally, and enforce them in the same manner as against the relatives of any poor person, so long as such committee hath any property in his hands for the support of such lunatic.

Powers of
county super-
intendents.

§ 14. The county superintendents of the poor shall have all the powers and authority herein given to overseers of the poor of any town.



